

# NIAGARA TELEPHONE COMPANY

1133 Main Street  
P.O. Box 3  
Niagara, Wisconsin 54151-0003

May 12, 2011

## VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

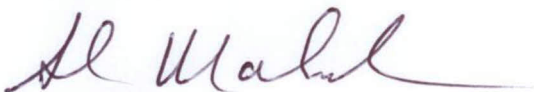
**RE: CC Docket 02-33 - Notice of Permissive Detariffing of Wireline Broadband  
Internet Access Service by Niagara Telephone Company (Study Area 330920)**

Dear Ms. Dortch:

Pursuant to the Commission's *Wireline Broadband Order*, Niagara Telephone Company hereby provides notice of its intent to discontinue offering wireline broadband internet access service on a tariffed basis. Effective July 1, 2011, Niagara Telephone Company, plans to offer wireline broadband internet access service on a permissive detariffed, common carriage basis.

Please direct any questions to the undersigned.

Sincerely,



Al Mahnke, CEO  
Niagara Telephone Company

Cc: Interstate Telcom Consulting, Inc.  
NECA Region Manager

**SERVING: Niagara - Florence - Aurora - Spread Eagle - WISCONSIN**

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
May 12, 2011  
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**Notice of Permissive Detariffing of Wireline Broadband Internet Access Service  
Effective July 1, 2011**

Niagara Telephone Company  
(STUDY AREA 330920)  
1133 Main Street  
P.O. Box 3  
Niagara, WI 54151  
Telephone: (715) 251-3116

CC Docket No. 02-33

May 12, 2011

Niagara Telephone Company hereby provides notice that it intends to cease offering wireline broadband internet access service on a tariffed basis. Effective July 1, 2011 Niagara Telephone Company will begin offering wireline broadband internet access service on a Title II, common carriage, permissive detariffed basis pursuant to paragraph 94 of the Federal Communications Commission's Wireline Broadband Order.<sup>1</sup> The geographic areas affected are those Milltown Niagara Telephone Company exchanges where DSL is technically feasible.

Today, this service is provided to Niagara Telephone Company. The ISP purchases wireline broadband access service for use as a component in their broadband internet service sold to residential and business consumers. End user service provided will not be affected by discontinuance of the tariffed offering by Niagara Telephone Company. As stated in the attached customer notice, Niagara Telephone Company will continue to offer services to existing ISP customers under current rates, terms and conditions until the end of their current term or upon replacement with a Broadband Commercial Agreement. Broadband Commercial Agreements will be made available in a nondiscriminatory manner to any provider desiring to purchase wireline broadband access service for use as a component in its broadband internet service sold to consumers.

Effective July 1, 2011, Niagara Telephone Company will make its wireline broadband internet access service on a permissive detariffed, common carriage basis through posting of rates, terms and conditions available on our company website ([www.borderlandnet.net](http://www.borderlandnet.net)) and in printed copy during normal business hours at Niagara Telephone Company business office located at 1133 Main Street, Niagara, WI 54151.

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<sup>1</sup> See *Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities, Universal Service Obligations of Broadband Providers*, CC Docket No. 02-33, WC Docket No. 05-271, Report and Order and Notice of Proposed Rulemaking, 20 FCC Red 14853 (2005). FCC 05-150 (rel. September 23, 2005), (Wireline Broadband Order)

## CERTIFICATE OF SERVICE

I, Al Mahnke, CEO, do certify that I have, on this 12 day of May, 2011:

1. Served by first class mail a copy of the foregoing Notice of Permissive Detariffing of Wireline Broadband Internet Access Service to the following:

Governor Scott Walker  
Office of the Governor  
115 East State Capital  
Madison, WI 53702

Secretary of Defense  
Attn: Special Assistant for Telecommunications  
PENTAGON  
Washington, DC 20301

2. Served via electronic filing a copy of the foregoing Notice of Permissive Detariffing of Wireline Broadband Internet Access Service to the following:

Wisconsin Public Service Commission  
Attn: Telecommunications Division  
610 North Whitney Way  
P.O. Box 7853  
Madison, WI 53707-7854

3. Served via paper a copy of the foregoing Notice of Permissive Detariffing of Wireline Broadband Internet Access Service to the following:

Niagara Telephone Company  
1133 Main Street  
Niagara, WI 54151

# NIAGARA TELEPHONE COMPANY

1133 Main Street  
P.O. Box 3  
Niagara, Wisconsin 54151-0003

May 12, 2011

Niagara Telephone Company - ISP  
1133 Main Street  
P.O. Box 3  
Niagara, WI 54151

**RE: CC Docket 02-33 - Notice of Permissive Detariffing of Wireline Broadband  
Internet Access Service by Niagara Telephone Company (Study Area 330920)**

Dear Valued Customer:

Our records indicate that Niagara Telephone Company-ISP is currently purchasing wholesale broadband transport services from Niagara Telephone Company under NECA Tariff No. 5 ("Tariff"). This letter is to advise you that Niagara Telephone Company, study area 330920 will discontinue provisioning service on July 1, 2011 pursuant to the Tariff. Services will be made available to you on a common carrier, non-tariffed basis. The existing relevant rates, terms and conditions will not change until the end of your term or until replaced by a Broadband Commercial Agreement.

The rates, terms and conditions for the Broadband Commercial Agreement will be available in printed copy during normal business hours at Niagara Telephone Company business office located at 1133 Main Street, Niagara, WI 54151.

The actions described above are taken in accordance with the FCC's Report and Order (FCC 05-150) released September 23, 2005 in Docket No. 02-33. In this order the FCC determined that facilities-based wireline broadband internet service providers could offer their services on a common carrier, permissively detariffed basis.

No action is necessary on your part. However, if you have any questions, please feel free to contact me.

Sincerely,



Al Mahnke, CEO  
Niagara Telephone Company

Cc: Interstate Telcom Consulting, Inc.  
NECA Region Manager

**SERVING: Niagara - Florence - Aurora - Spread Eagle - WISCONSIN**